

House File 762 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 694)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal offenses against minors including
2 sexual abuse, enticing a minor away, and indecent exposure
3 through a webcam, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1450HV 82
6 jm/es/88

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1 1 Section 1. Section 692A.1, subsection 5, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. o. Indecent exposure through a webcam in
1 4 violation of section 709.9A.
1 5 Sec. 2. Section 692A.1, subsection 5, paragraph o, Code
1 6 2007, is amended to read as follows:
1 7 ~~o. p.~~ An indictable offense committed in another
1 8 jurisdiction which would constitute an indictable offense
1 9 under paragraphs "a" through "~~n~~" "o".
1 10 Sec. 3. Section 709.3, subsection 2, Code 2007, is amended
1 11 to read as follows:
1 12 2. The other person is under the age of ~~twelve~~ thirteen.
1 13 Sec. 4. Section 709.4, subsection 2, paragraph b, Code
1 14 2007, is amended to read as follows:
1 15 b. The other person is ~~twelve or~~ thirteen years of age.
1 16 Sec. 5. NEW SECTION. 709.9A INDECENT EXPOSURE THROUGH A
1 17 WEBCAM.
1 18 1. As used in this section "webcam" means a real-time
1 19 camera that can transmit images through the internet.
1 20 2. A person commits indecent exposure through a webcam in
1 21 the first degree if the person exposes the person's genitals
1 22 or pubes through a webcam to a minor or a person believed to
1 23 be a minor, or commits a sex act intended to be viewed through
1 24 a webcam by a minor or a person believed to be a minor, and
1 25 the act is intended to arouse or satisfy the sexual desires of
1 26 either party. For purposes of this subsection "minor" means a
1 27 person under fourteen years of age.
1 28 3. A person commits indecent exposure through a webcam in
1 29 the second degree if the person exposes the person's genitals
1 30 or pubes through a webcam to another person, or commits a sex
1 31 act intended to be viewed through a webcam by another person,
1 32 and the act is intended to arouse or satisfy the sexual
1 33 desires of either party, and the person knows or reasonably
1 34 should know that the act is offensive to the viewer.
1 35 4. A person who violates this section commits a serious
2 1 misdemeanor.
2 2 Sec. 6. Section 903B.1, Code 2007, is amended to read as
2 3 follows:
2 4 903B.1 SPECIAL SENTENCE == CLASS "B" OR CLASS "C"
2 5 FELONIES.
2 6 A person convicted of a class "C" felony or greater offense
2 7 under chapter 709, or a class "C" felony under section 710.10,
2 8 or section 728.12, shall also be sentenced, in addition to any
2 9 other punishment provided by law, to a special sentence
2 10 committing the person into the custody of the director of the
2 11 Iowa department of corrections for the rest of the person's
2 12 life, with eligibility for parole as provided in chapter 906.
2 13 The special sentence imposed under this section shall commence
2 14 upon completion of the sentence imposed under any applicable
2 15 criminal sentencing provisions for the underlying criminal
2 16 offense and the person shall begin the sentence under

2 17 supervision as if on parole. The person shall be placed on
2 18 the corrections continuum in chapter 901B, and the terms and
2 19 conditions of the special sentence, including violations,
2 20 shall be subject to the same set of procedures set out in
2 21 chapters 901B, 905, 906, and chapter 908, and rules adopted
2 22 under those chapters for persons on parole. The revocation of
2 23 release shall not be for a period greater than two years upon
2 24 any first revocation, and five years upon any second or
2 25 subsequent revocation. A special sentence shall be considered
2 26 a category "A" sentence for purposes of calculating earned
2 27 time under section 903A.2.

2 28 Sec. 7. Section 903B.2, Code 2007, is amended to read as
2 29 follows:

2 30 903B.2 SPECIAL SENTENCE == CLASS "D" FELONIES OR
2 31 MISDEMEANORS.

2 32 A person convicted of a misdemeanor or a class "D" felony
2 33 offense under chapter 709, section 710.10, section 726.2, or
2 34 section 728.12 shall also be sentenced, in addition to any
2 35 other punishment provided by law, to a special sentence
3 1 committing the person into the custody of the director of the
3 2 Iowa department of corrections for a period of ten years, with
3 3 eligibility for parole as provided in chapter 906. The
3 4 special sentence imposed under this section shall commence
3 5 upon completion of the sentence imposed under any applicable
3 6 criminal sentencing provisions for the underlying criminal
3 7 offense and the person shall begin the sentence under
3 8 supervision as if on parole. The person shall be placed on
3 9 the corrections continuum in chapter 901B, and the terms and
3 10 conditions of the special sentence, including violations,
3 11 shall be subject to the same set of procedures set out in
3 12 chapters 901B, 905, 906, and 908, and rules adopted under
3 13 those chapters for persons on parole. The revocation of
3 14 release shall not be for a period greater than two years upon
3 15 any first revocation, and five years upon any second or
3 16 subsequent revocation. A special sentence shall be considered
3 17 a category "A" sentence for purposes of calculating earned
3 18 time under section 903A.2.

3 19 Sec. 8. Section 907.3, subsection 1, Code 2007, is amended
3 20 by adding the following new paragraph:

3 21 NEW PARAGRAPH. m. The offense is a violation of section
3 22 709.9A, subsection 2.

3 23 Sec. 9. Section 907.3, subsection 2, Code 2007, is amended
3 24 by adding the following new paragraph:

3 25 NEW PARAGRAPH. g. The offense is a violation of section
3 26 709.9A, subsection 2.

3 27 Sec. 10. Section 907.3, subsection 3, Code 2007, is
3 28 amended by adding the following new paragraph:

3 29 NEW PARAGRAPH. g. The offense is a violation of section
3 30 709.9A, subsection 2.

3 31 EXPLANATION

3 32 This bill relates to criminal offenses against minors
3 33 including sexual abuse and indecent exposure through a webcam.

3 34 Under the bill, a person who commits a sex act with a
3 35 person under 13 years of age commits sexual abuse in the
4 1 second degree. Current law provides that a person who commits
4 2 a sex act with a person under 12 years of age commits sexual
4 3 abuse in the second degree. A person who commits sexual abuse
4 4 in the second degree commits a class "B" felony.

4 5 Under the bill, a person who commits a consensual sex act
4 6 with a person 13 years of age commits sexual abuse in the
4 7 third degree. Current law provides that a person who commits
4 8 a sex act with a person 12 or 13 years of age commits sexual
4 9 abuse in the third degree.

4 10 Under the bill and in current law, a person who commits a
4 11 sex act with a person 14 or 15 years of age commits sexual
4 12 abuse in the third degree if any of the following apply: the
4 13 person is a member of the same household as the other person;
4 14 the person is related to the other person by blood or affinity
4 15 to the fourth degree; the person is in a position of authority
4 16 over the other person and uses that authority to coerce the
4 17 other person to submit; or the person is four or more years
4 18 older than the other person. A person who commits sexual
4 19 abuse in the third degree commits a class "C" felony.

4 20 Under the bill and in current law a consensual sex act with
4 21 a person 16 years of age or older is not punishable as a
4 22 criminal act.

4 23 The bill creates the criminal offense of indecent exposure
4 24 through a webcam. The bill defines "webcam" to mean a
4 25 real-time camera that can transmit images through the
4 26 internet.

4 27 Under the bill, a person commits indecent exposure through

4 28 a webcam in the first degree if the person exposes the
4 29 person's genitals or pubes through a webcam to a minor or a
4 30 person believed to be a minor, or commits a sex act intended
4 31 to be viewed through a webcam by a minor or a person believed
4 32 to be a minor, and the act is intended to arouse or satisfy
4 33 the sexual desires of either party. A person commits indecent
4 34 exposure through a webcam in the first degree if the minor is
4 35 under 14 years of age.

5 1 Under the bill, a person commits indecent exposure through
5 2 a webcam in the second degree under the same circumstances as
5 3 indecent exposure through a webcam in the first degree except
5 4 the exposure may be to another person of any age and the
5 5 person knows or reasonably should know that the act is
5 6 offensive to the viewer.

5 7 The bill prohibits a person from receiving a deferred
5 8 judgment, or a suspended or deferred sentence, if the person
5 9 is convicted of indecent exposure through a webcam and the
5 10 viewer is under 14 years of age.

5 11 A person who commits indecent exposure through a webcam
5 12 commits a serious misdemeanor.

5 13 The bill creates a special sentence for any person
5 14 convicted of enticing a minor away under Code section 710.10.
5 15 For a person sentenced for enticing a minor away that is
5 16 classified as a misdemeanor or class "D" felony, the special
5 17 sentence commences upon completion of the sentence for the
5 18 underlying criminal offense of enticing a minor away and the
5 19 person shall begin the sentence under supervision as if on
5 20 parole for a period of 10 years.

5 21 The bill also creates a special sentence for any person
5 22 convicted of enticing a minor away under Code section 710.10
5 23 that is classified as a class "C" felony. For a special
5 24 sentence classified as a class "C" felony, the special
5 25 sentence commences upon completion of the sentence for the
5 26 underlying criminal offense of enticing a minor away and the
5 27 person shall begin the sentence under supervision as if on
5 28 parole for the rest of the person's life.

5 29 A serious misdemeanor is punishable by confinement for no
5 30 more than one year and a fine of at least \$315 but not more
5 31 than \$1,875. An aggravated misdemeanor is punishable by
5 32 confinement for no more than two years and a fine of at least
5 33 \$625 but not more than \$6,250. A class "C" felony is
5 34 punishable by confinement for no more than 10 years and a fine
5 35 of at least \$1,000 but not more than \$10,000. A class "B"
6 1 felony is punishable by confinement for no more than 25 years.

6 2 LSB 1450HV 82

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